

ZB# 05-36

Amerada Hess

12-2-1

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 7-25-05

ZBA #05-36 Amerada Hess (12-1-05)
Corner of Windsor Hwy + Union Ave.



MORRIS ASSOCIATES, P.S., L.L.C.

ENGINEERING CONSULTANTS

9 Elks Lane, Poughkeepsie, New York 12601

Tel: (845) 454-3411 Fax: (845) 473-1962

E-Mail: morrisassociates@aol.com

June 15, 2005

Town of New Windsor Zoning Board of Appeals
Town Hall
555 Union Avenue
New Windsor, NY 12553

Attn: Chairman Michael Kane, and
Members of the Zoning Board of Appeals

Re: **Hess – New Windsor**
(MA File # 204152.02)
Former DB Mart #619

Premises: 173 Windsor Highway a/k/a the intersection of Routes 32 & 69
Tax Identification: Section 12, Block 2, Lot 1

Dear Chairman Kane and Members of the Zoning Board of Appeals:

On behalf of Amerada-Hess (Hess), we are making application to redevelop the existing self-service gasoline station and convenience store on the subject premises located at the northeast quadrant of the intersection of NYS Rte. 32 and Co. Rte. 69. The use does not change. In making application, our client seeks an amended Site Plan Approval and Variances from the Zoning Code beyond those previously granted for this property (See ZBA Case Nos. 98-55 and 79-24). In addition, it is our understanding that the Planning Board may require an amended Special Permit even though a special permit was previously issued allowing a self-service gasoline station and convenience store on the premises. The purpose of this letter is to provide the Zoning Board of Appeals with an understanding as to the scope of the variances required for the desired Hess Facility on the premises, and to request that this item be placed on the agenda for the June 27, 2005 meeting.

The Proposed Hess Facility

We have attended two work sessions with Mark Edsall, P.E., and one Planning Board meeting. During the work sessions, Hess addressed the concerns raised by Mr. Edsall and the Orange County Department of Public Works concerning the proposed use of the existing curb openings along Co. Rte. 69 (Union Avenue). In fact, Hess has responded by revising the site layout to mitigate this concern for traffic safety (See attached Orange County Department of Public Works March 15, 2005 correspondence). As a result, Hess has agreed to close the existing curb cut on Co. Rte. 69 closest to the intersection so there will be only a single curb opening on Co. Rte. 69. This change will increase the distance between the intersection and the curb cut from the existing 47 feet to the currently proposed 118 feet. Additionally, the proposed Hess Facility will involve

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the reconstruction of the existing gasoline station and convenience store so it entails a 3514 square foot building with 12 associated pumping stations and 20 parking spaces.

Procedurally, Hess's application for a building permit was denied based on the fact that variances were required from the Zoning Board of Appeals. It is also understood that the proposed plan will require amended site plan review (and possibly an amended special permit) from the Planning Board.

Variances Requested

As noted on the Notice of Disapproval of Planning Board Application, dated May 18, 2005, last revised June 1, 2005, issued by Mark J. Edsall, PE, PP, Engineer for the Planning Board, several variances are required for the proposed plan of development. In particular, the Notice of Disapproval sets forth 4 variances from strict compliance with the following code requirements:

- 1) Rear yard setback of 15 feet is required. The proposed rear yard setback is 8 feet (Section 300-8: Table of Use/Bulk Regulations for the NC Zone).
- 2) Based on one space for each 150 square feet of total floor area, the off street parking requirement is 24 spaces. A total of 20 parking spaces are proposed (Section 300-60D).
- 3) Facade signs of 25 square feet are allowed (i.e., 2.5 feet high by 10 feet wide). Hess proposes the "Hess Express" facade sign to be 55 square feet (Section 300-45); and
- 4) Only 1 sign is permitted per business on the premises and Hess seeks to have 4 signs for the 3 users (Section 300-45).

Each of these variance requests is addressed below.

Rear Yard Setback Variance

As noted above, the original building placement and traffic patterns were revised as a result of closing the curb cut on Co. Rte. 69. It is in part due to the reconfiguration of the premises that this variance is necessary. In an effort to soften the affects associated with constructing its building within 8 feet of the easterly property line, Hess will completely finish all 4 sides of the building. Hess also recognizes the need to provide screening in the form of fencing and/or vegetation along this property line. While Hess is cognizant that it will have to discuss with the Planning Board during site

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plan review what constitutes appropriate fencing/vegetative screening, it also looks forward to having a dialogue with the Zoning Board of Appeals on this subject in order to obtain a rear yard setback variance of 7 feet.

Off Street Parking Variance

Section 300-45D of the New Windsor Zoning Code provides that retail stores require 1 parking space per 150 square feet of total floor area. This section also establishes that vehicle service repair establishment and gasoline service stations require 4 parking spaces per service bay plus one parking space for each 300 square feet of floor area outside of the service area.

While the 20 parking spaces Hess proposes complies with the standard for vehicle service repair establishments and gasoline service stations, it does not comply with the retail standard. Interestingly, if the self-service gasoline station and convenience store Hess is proposing were allocated by square feet to retail, office and storage uses, it would comply with the minimum parking space requirements for each type of use.

Additionally, Hess would like to highlight that although it is only proposing 20 parking spaces, it will have 12 pumping stations on the premises. As such, there will be 32 spaces for the parking of cars. Hess acknowledges readily that the New Windsor Zoning Code does not include the pumping spaces as parking spaces. However, Hess believes that it should be entitled to a theoretical credit of 1/3 to 1/2 a parking space for each pump slot. Indeed, Hess's facility managers report anecdotally that 1/3 to 1/2 of all "pumpers" are also shoppers in the convenience store. These "pumpers" do not move their cars when they become shoppers. They essentially shop from the pump by walking into the store. Further, discussions with McDonough & Rea Associates, who are Hess's regional traffic engineers, suggests that 12 pumping stations equal anywhere from 4 to 6 parking spaces. It is also worthy of note that Hess will dedicate the 3 parking spaces in front of the refuse enclosure for employee use only as noted on the site plan drawings. In summary, Hess respectfully submits that this variance request is not substantial in nature.

Sign Variances

The Notice of Disapproval states that 2 different sign variances are necessitated by this application.

The first variance pertains to the proposed "Hess Express" sign. This 55 square foot sign can readily be considered as substantially smaller from a practical perspective

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if you draw lines around the letters as opposed to "boxing" the letters within a square. If one were to draw an ellipse around the Hess Express sign as opposed to a rectangle its total area would be reduced from 55 square feet to 32 square feet. This fact is especially salient upon review of the enclosed photo-simulations. Reference to Option 1 reveals that given the massing of the façade behind the 55 square foot sign, which is really only 32 square feet of lettering on a diagonal, it is not out of proportion with the building. In contrast Option 2, which is a zoning compliant sign, is too small and out of proportion with the façade and the zoning compliant signs for Godfathers and Blimpie.

The second noted variance (i.e., for 4 signs total for 3 businesses) is no longer necessary. Hess has revised its application and will only have 3 façade signs: a "Hess Express" sign, a "Godfathers" sign, and a "Blimpie" sign. Blimpie and Godfathers will have concessions within the convenience store component of this Hess Express, which drives the need for these façade-mounted, announcement signs.

Materials Submitted

In accordance with the instructions provided by Myra Mason, the Planning Board Secretary, Hess is hereby submitting in support of its area variance application:

- * The completed application forms;
- * Four (4) copies of the Proposed Site Plan (sheet 3 of 5);
- * Three checks: \$150 Application Fee, \$500 Escrow, and \$25 Deposit for the Public Hearing List;
- * Four (4) sets of two (2) photos illustrating the proposed "Hess Express" façade sign as Option 1, and a smaller sign that meets the code requirements, as Option 2.
- * A copy of the Orange County Department of Public Works March 15, 2005 correspondence finding the revised driveway entrance revisions acceptable.

We have previously submitted a document granting Morris Associates authority to act as agents for Hess in applying for review and approval on the premises.

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Mr. Michael Kane, Chairman & Members of the Zoning Board of Appeals
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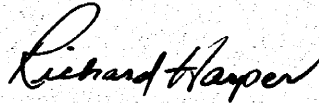
Conclusion

In view of the above and all the materials submitted to date, Hess respectfully submits that approval of the instant application is warranted because it complies with the area variance criteria in the New Windsor Zoning Code and New York State Town Law Section 267-b.

Should the Zoning Board of Appeals or Town Staff have any questions or comments, please contact me at 454-3411, extension 31.

Very truly yours,

MORRIS ASSOCIATES



Richard Harper,
Planner

RH:mo
Enclosures

cc: **Mark Edsall, P.E., PP, Town Engineer (w/ enclosures)**
Michael Babcock, Building Inspector (w/o enclosures)
Andrew Krieger, Esq., Zoning Board Attorney (w/o enclosures)
Andrew Lautenbacher, Amerada-Hess (w/ enclosures)
Neil J. Alexander, Esq., Cuddy & Feder LLP (w/ enclosures)

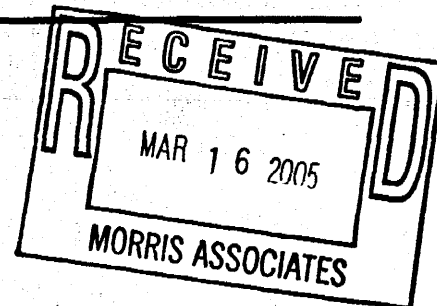


ORANGE COUNTY
DEPARTMENT OF PUBLIC WORKS
P.O. Box 509, 2455 Route 17M
Goshen, New York 10924-0509
TEL (845) 291-2750 FAX (845) 291-2778

Edward A Diana, County Executive
Edmund A. Fares, P.E., Commissioner of Public Works

March 15, 2005

Richard Harper
Morris Associates, PS, LLC
Engineering Consultants
3 Elks Lane
Poughkeepsie, New York 12601



Re: Amerada Hess – Site Plan
County Road No. 69 Union Ave. & NYS Rte. 32 – Windsor Highway
Alternate Scheme “A” – Sketch
Dated: 3/3/05

Dear Mr. Harper:

This Department has reviewed the Sketch Plan for the above referenced project and has the following comments.

The Driveway Entrance revisions shown for County Road No. 69 are now acceptable to this Department.

A full set of Site Plans prepared in conformance with the Policy & Standards of the Orange County Department of Public Works must be submitted through the Town of New Windsor for review and approval.

If you have any questions please contact this Office at your earliest convenience.

Very truly yours


Patrick T. Kennedy, LS
Senior Engineer

Cc: Charles W. Lee, PE, Deputy Commissioner
Cesare L. Rotundo, PE, Principal Engineer
Mark J. Edsall, PE, Planning Board Engineer

**OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY**

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 05-10

DATE: 5-18-05
(revised 6-1-05)

APPLICANT:

Amerada Hess Corporation
1 Hess Plaza, WB-PL
Woodbridge, NJ 07095-0961

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 04-15-05

FOR: SITE PLAN

LOCATED AT: Union Avenue

ZONE: NC

DESCRIPTION OF EXISTING SITE: SEC: 12 BLOCK: 2 LOT: 1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Variance required for rear yard setback 15' permitted, 8' proposed (7' variance req'd);
Parking variance (4 spaces); Sign Variance for Façade sign – 25 s.f. permitted, 55 s.f.
proposed (30 s.f. variance req'd); and variance for two façade signs for a single business
(4 signs total proposed for 3 businesses).

TOWN OF NEW WINDSOR CODE: Bulk Regulations


Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # **05-10**

ZONE: **NC**

USE: **B-7**

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA	15,000 sf	30,247	-
MIN. LOT WIDTH	125 ft	172	-
REQUIRED FRONT YARD	40 ft	26 ft (canopy) Rt.32 (** exist 15 ft.)	-
REQUIRED SIDE YARD	15 ft.	45 ft.	-
REQUIRED TOTAL SIDE YARD	30 ft.	45 ft.	-
REQUIRED REAR YARD	15 ft.	8 ft.	7 ft.
REQUIRED FRONTAGE	n/a	-	-
MAX. BLDG. HT.	23 ft.	22'-8"	-
FLOOR AREA RATIO	0.5	0.203	-
MIN. LIVABLE AREA	n/a	-	-
DEVELOPMENTAL COVERAGE	85%	80%	-
O/S PARKING SPACES	24	20	4

**** denotes pre-existing non-conforming condition (or variance previously granted)**

PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

S/F Illuminated "Cloud Sign"

• 3' 0" H x 6' 0" L

Option 2



Front Elevation

Not to Scale



**Philadelphia Sign
C O M P A N Y**

707 West Spring Garden Street
Palmyra, New Jersey 08065

Phone 215 270 1400
Fax 215 270 1400
E-mail phil@philasign.com



REVISIONS

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		

DRAWING TYPE:

COLOR RENDERING

SIGN TYPE:

CLOUD SIGN

LOCATION:

3700 BUILDING

DATE:

05.23.05

DRAWN BY:

J.L.C.

SHEET:

1b of 1

DWG NUMBER:

A-6997

THIS IS AN ORIGINAL UNPUBLISHED
DRAWING CREATED BY P.S.C.O. IT
IS SUBMITTED FOR YOUR PERSONAL
USE IN CONJUNCTION WITH A PROJECT
BEING PLANNED FOR YOU BY P.S.C.O.
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OUTSIDE YOUR ORGANIZATION NOR
IS IT TO BE USED, COPIED, REPRODUCED,
OR EXHIBITED IN ANY FASHION.



MORRIS ASSOCIATES, P.S. L.L.C.
ENGINEERING CONSULTANTS

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☐ 187 Church Street, Poughkeepsie, New York 12601 Tel: (845) 471-7900 Fax: (845) 471-7901
☐ 389 Fairview Avenue, Hudson, New York 12534 Tel: (518) 828-2300 Fax: (518) 828-3963
E-Mail: morrisassociates@aol.com

August 5, 2005

Town of New Windsor Zoning Board of Appeals
Town Hall
555 Union Avenue
New Windsor, NY 12553

Attn: Chairman Michael Kane, and
Members of the Zoning Board of Appeals

Re: Hess – New Windsor – Revised Site Plan
(MA File # 204152.02)
Former DB Mart #619
Premises: 173 Windsor Highway a/k/a the intersection of Routes 32 & 69
Tax Identification: Section 12, Block 2, Lot 1

Dear Chairman Kane and Members of the Zoning Board of Appeals:

On behalf of Amerada-Hess (Hess), we are submitting a revised Site Plan that further minimizes the variances required for development as described in detail below. Indeed, the rear yard variance is no longer necessary under the modified plan. Further, the proposed alterations have decreased the parking space variance from 4 spaces to 3 spaces by providing for another parking space on-site.

The July 25, 2005 Public Hearing

This application was before the Zoning Board of Appeals in a public hearing on July 25, 2005. There were three variances requested in the original application (please refer to the cover letter dated June 15, 2005, attached).

The hearing was convened and testimony was heard. Opposition was present in the person of Mr. David Sarinsky. He is the owner of the property to the east and to the north of the subject tract. Mr. Sarinsky had no opposition to the general development plan; however, he did oppose granting the requested 7 foot variance from the required rear yard setback of 15 feet.

The Board voiced no objection to the sign variance or the parking variance; but, the Board was concerned with the applicant's need to place the proposed building within the required rear yard setback. The applicant was asked to investigate whether the building could be shaped differently or reduced in size in order to honor the code requirement. The Board made it clear that it did not look favorably on the 7 foot variance.

The item was tabled and the public hearing was recessed. In the interim, Morris Associates, as agent for the applicant, has revisited the site layout with Hess.

The Specifics of the Revised Site Plan

Through design modifications depicted in the revised site plan, Hess has completely eliminated the need for a rear yard variance. In order to make this change possible, we have reduced the depth of the parking spaces to the code minimum of 19 feet. The drive aisle and maneuvering area for parked vehicles has been reduced to 30 feet. The

New Windsor Zoning Board of Appeals
Mr. Michael Kane, Chairman & Members
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distance between the existing inside curb along Route 32 and the face of the "U-bumper" at the gasoline pump island has been reduced to the Hess specified minimum of 24 feet. The plan has been tested for workability by overlaying templates for the turning radii of WB-50 trucks. The site, as revised, is acceptable for gasoline delivery maneuvering. In sum, Hess submits that the proposed plan now complies with the current Zoning Code and the prior variances granted in ZBA Case Nos. 98-55 and 79-24, other than the parking space variance and sign variance noted below.

The stated revisions have resulted in our finding 1 additional parking space, located immediately south of the proposed building. This brings the parking space total to 21. As stated in our cover letter of June 15, 2005, strict conformance to the code requires a total of 24 spaces. Therefore, the original request for a variance of 4 spaces is now decreased to a request for a variance of 3 spaces.

The sign variance request remains as originally stated. The applicant wishes to install a façade sign that measures 55 square feet. The code allows façade signs of a maximum area of 25 square feet per Section 300-45. Please refer to the June 15th cover letter for a more detailed explanation of both the sign variance and the parking variance.

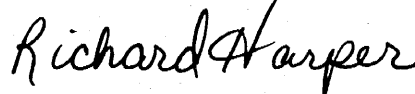
Conclusion

It is our understanding that this item is on the agenda for the August 22, 2005 meeting. The public hearing will be reconvened and the variance requests, as revised, will be presented to the Board and the public. In view of the above and all the materials submitted to date, Hess respectfully submits that approval of the instant application as amended is warranted.

Should the Zoning Board of Appeals or Town Staff have any questions or comments, please contact me at 454-3411, extension 31. Thank you for your cooperation and consideration in this matter.

Very truly yours,

MORRIS ASSOCIATES



Richard Harper,
Planner

RH:mo
Enclosures

cc: Mark Edsall, P.E., PP, Town Engineer (w/ enclosures)
Michael Babcock, Building Inspector (w/o enclosures)
Andrew Krieger, Esq., Zoning Board Attorney (w/o enclosures)
Andrew Lautenbacher, Amerada-Hess (w/ enclosures)
Neil J. Alexander, Esq., Cuddy & Feder LLP (w/ enclosures)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 12-2-1

In the Matter of the Application of
AMERADA HESS CORPORATION

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #05-36

WHEREAS, Neil Alexander, Esq. Attorney for Amerada Hess Corporation and Richard Harper, P.E. who represented the, owner(s) of 12-2-1 located on Corner of Union Avenue and Windsor Highway, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an

Request for:

30 square foot variance for façade sign and;
4 parking spaces and;

Subsequent to the application, the Applicant withdrew its request for a 7 ft. rear yard setback, leaving only the application for a variance for the façade sign and four parking places.

All at corner of Union Avenue & Windsor Highway in an NC Zone (12-2-1)

WHEREAS, a public hearing was held on JULY 25TH, 2005 AND CONTINUED ON AUGUST 22ND, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant was represented by Neil Alexander, Esq. Attorney for Amerada Hess Corporation and Richard Harper, P.E. who appeared on behalf of this Application; and

WHEREAS, there was one member of the public present at the public hearing; and

WHEREAS, no one spoke in favor of but one person was opposed to the application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:

- (a) The property is a commercial property located on a busy State Highway and a busy County Road. The neighbors situated along the State Highway are all commercial but, the neighbors located along the County Highway are mixed being of commercial and residential in nature.
- (b) The site is currently improved by a gasoline service station. The instant application is by the new owners of the property who seek to construct a convenient store and gasoline dispensing facility on the site replacing the current facility.
- (c) The objectant who spoke objected to the application for the rear yard variance, that space being immediately adjacent to his property. The applicant objected at the meeting of July 25th, 2005. Subsequent to that meeting, the applicant withdrew its request for a 7 foot rear yard variance at the meeting held on August 22, 2003 thereby rendering the objections moot.
- (d) The parking requirement in the Town of New Windsor Code is for 24 spaces. The applicant proposes to supply 20 spaces. In addition to the 20 specified spaces, there are likely to be cars parked at the gasoline dispensing pumps which, as planned, would provide parking for an additional twelve automobiles.
- (e) With respect to the sign, the method by which it is calculated requires "Squaring Off" the signage, which results in a measurement of approximately 55 square feet. The proposed sign will be placed on the building diagonally and an ellipse drawn around the sign shows the sign to be approximately 32 square feet. While a variance request would be necessary in that case as well (the Town Code allowing a façade signage of 25 square feet), if the sign were measured elliptically, the variance request would be much smaller than it now appears.
- (f) The sign will be internally illuminated with a steady, non-flashing, non-neon light.
- (g) The sign will not be larger than other signs in the neighborhood.
- (h) The proposed façade sign will not project any higher than the roof line on the front side of the building.
- (i) The parking proposed by this applicant equals or exceeds the parking provided by the previous occupants of the property and, while it does not seem to comply with the current requirements of the Zoning Law, the degree of non-conformity will be lessened if this application is granted.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s) on the condition that the applicant complies with all requirements placed on it by the Planning Board of the Town of New Windsor..

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for:

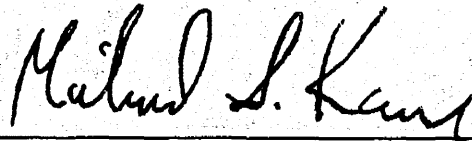
30 square foot variance for façade sign and;
4 parking spaces and;

All at corner of Union Avenue & Windsor Highway in an NC Zone (12-2-1) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 22, 2005

A handwritten signature in cursive script, reading "Michael S. Kuntz", is written over a horizontal line.

Chairman

AMERADA HESS CORP. (05-36)

MR. KANE: Request for 7 ft. rear yard setback and 4 parking spaces, 30 square foot variance for facade sign and one additional facade sign for three businesses all at corner of Union Avenue and Windsor Highway.

Neil J. Alexander, Esq. appeared before the board for this proposal.

MR. KANE: All set.

MR. ALEXANDER: My name is Neil Alexander, partner with the law firm of Cuddy & Feder here on behalf of Amerada Hess. Mr. Chairman read the four variances, actually, we need some modifications to the plan, there are only three variances that we needed that was discussed a little bit at the June 15 submission to you. I can run you quickly through the variances. I think they have a rhyme and a reason, essentially worked with your engineer and Orange County, we have been able to accomplish the closing of this former curb cut, this is the old DB Mart, that's laying fallow right now basically and they want to bring it up to the 21st century standards for a convenience store and a gasoline facility, it's been used for that as you know for a very long time so we closed the curb cut here, pushed the building over here in order to get the flow working here, it's brought about a few different variances that we need as well as we want to increase the convenience element which created some of the need for the variances.

MR. KANE: Going to be changing the canopy that's existing?

MR. ALEXANDER: Yes, we will be actually increasing to 12, going to have 12 pumping stations now and we're going to have approximately 3,500 square feet in the convenience and gas aspects. So the first variance is

a rear yard variance 8 feet here. In order to take care of that issue and to soften it Hess has offered to finish all four sides of the building instead of the usual three and then whatever kind of vegetative screening is needed or required we're more than willing to do. We have, there was a letter submitted a long time ago by Mr. Sorinsky showing some of his interest, I'm assuming he comes to the public hearing, we're more than willing to accommodate him, obviously, fencing is the easiest thing for us to do. We'd even be willing to put some vegetation on his property if he wanted that just because it's so tight with the walkway around to restrooms, we can't really put it on our property. We're more than willing to soften it for him. There's a row of trees over in this area as you may be aware this is also his property, auto repair area, and this is, that has never been improved, sort of just sitting there with grass, I don't know if he has boulders here, I don't know if he uses it as an access point, I'll let him speak to that if he shows up so but we would take into consideration planting on the property if that's not a problem, that's the first variance. The next one is signage, Hess is going to have two sub tenants in theory, you should of received the visual in your materials which show that Blimpie and Godfather's Pizza will be subconcessions within which is sort of the co-branding that's going on in the convenience industry. The sign we're proposing is a diagonal sign, it's approximately 55 square feet. Your code only allows for 25. What's interesting is most codes require you to box out the sign, take the widest dimensions, that's how we get to 55 square feet. If you did an elliptical fashion, it would be 32 which is quite close to the code requirements of 25. The second page is just roughly zoning compliance slightly smaller than the full maximum would be, we believe that this shows sort of the reason for the variance in and of itself as far as announcement and readability. But nonetheless we're here for a variance on that, obviously. The third aspect we're actually staying

with signage, we know we're going to have TCBY as a subconcession that initiated the need for the fourth variance which will be for four signs whereas three are allowed.

MR. KANE: So one additional facade sign is what we're getting here?

MR. ALEXANDER: Correct and the last item is the amount of parking given the size of the store working backwards we know it's been prior experience of the town to treat other convenience stores and gasoline as a retail operation as a whole, so you back in at 150 square feet for what you have results in one parking space that would mean we'd need 24 parking spaces, we only have room for 20, we have actually dedicated these three that are in the front of the refuse area as employee parking so we can control that and make sure.

MR. KANE: Mike, why would the parking change?

MR. BABCOCK: They're taking this complete building down, they're building a new building.

MR. KANE: Everything else gets thrown out of the window.

MR. BABCOCK: In a different location.

MR. KANE: Okay.

MS. GANN: Can you describe to me exactly where Union is on that map?

MR. KANE: Union would be here.

MS. GANN: I just want to get a sense from that map.

MR. ALEXANDER: Right down here this is where we used to operate and have people coming out here all stacked

up at the light. Now that won't happen anymore cause this is being closed up, you're going to go from 47 to 120 feet so in any event, if you actually take the building with its component parts storage retail we actually would comply with the code if he were allowed to do it that way, storage and retail cause the code requirements are very different for those elements but that's not the way it's done, it necessitates our request for a variance. We also believe that the code does not give any credit for the 12 pumping stations and our in our experience through our managers of our different Hess operations as well as with our traffic engineers is that essentially somewhere between a third and a half of a credit per pumping station so if you have your experience and you probably can think back on your own experience how many times do you come pump and then stop, you don't move your car into a parking space effectively your pumping space is your parking space as a shopper so that's what their experience is. So we're sort of saying further militating in service you want to think of 20 dedicated, 12 parking spaces, you gave us a credit of half that would make up 6 spaces, give us a credit of a third which will be four spaces.

MR. KANE: Interesting argument.

MR. ALEXANDER: We believe there's some value to that.

MR. KANE: You said you're going to be changing that canopy, didn't we put a variance on that canopy when it first went up when Sunoco was there?

MR. ALEXANDER: That's correct.

MR. KANE: Are you going to need another variance?

MR. ALEXANDER: Yes, we're stepping it further away.

MR. KANE: They're taking it down and putting up a different one.

MR. ALEXANDER: We're doing 12 in a row, there were two sets, I think it was 4 and 4, if I remember correctly and you're correct so there's only going to be one canopy, I don't know if the total area is the same.

MR. BABCOCK: By moving the building back they're able to push that off the road, they're at 26 feet and the existing canopy is 15 feet, so they're going back another 11 feet.

MR. KANE: Facade signs on the front of the building eliminated?

MR. ALEXANDER: I believe they're not, they comply and with the code, it does not allow for illumination.

MR. KANE: Not flashing.

MR. ALEXANDER: Right, internally.

MR. KRIEGER: Non-neon, non-flashing.

MR. ALEXANDER: Correct, thank you.

MR. KANE: I have no further questions at this time. Does anybody else?

MR. REIS: No.

MR. KANE: Accept a motion.

MR. REIS: I make a motion that we set up Amerada Hess Corporation for a public hearing for the requested variances of 7 foot rear yard setback, 4 parking spaces, 30 square foot variance for a facade sign, are we changing that?

MR. BABCOCK: That stays.

MR. REIS: And one additional facade sign.

MR. ALEXANDER: Actually, I'm sorry, go ahead.

MR. BABCOCK: We don't need the one additional facade sign.

MR. KANE: Only three variances.

MR. REIS: There's going to be two signs.

MR. BABCOCK: There's going to be three signs but there's one for each business which is allowed.

MR. KANE: Originally, they were going to TCBY and that's out so they don't need an additional sign.

MR. REIS: Okay.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

November 29, 2005

**Amerada Hess Corporation
One Hess Plaza
Woodbridge, NJ 07095**

SUBJECT: REQUEST FOR VARIANCE #05-36

Dear Sir:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: **Michael Babcock, Building Inspector – w/one enc.**

**Cuddy & Feder LLP (Neil Alexander, Esq.) – w/one enc.
90 Maple Ave.
White Plains, NY 10601-5196**

PUBLIC HEARING CONTINUATION (FROM JULY 25, 2005)

AMERADA HESS CORP (05-36)

MR. KANE: Request for 7 ft. rear yard setback and 30 square foot variance for facade sign and 4 parking spaces all at corner of Union Avenue & Windsor Highway.

MR. FISHER: Good evening, Mr. Chairman, Chris Fischer with the law firm of Cuddy & Feder on behalf of the application. My partner, Mr. Alexander presented this previously, couldn't be here tonight but I do understand having spoken with him nature of the request for the variances and also your request at the last meeting that we look at in particular the rear yard and the setback. We resubmitted with respect to this application a plan that actually has the building moved and conforming to the setback of 15 feet so we gained and have eliminated the rear yard setback variance altogether as a request on this particular project, if you want to go through the plan you can, gained some space with the reduction in the overall length of the actual spaces to 19 feet, worked on the aisles and picked up that additional rear space.

MR. KANE: So what we have changed from your original application is just the rear setback?

MR. FISHER: So we're down to as a variance request in addition to some of the changes we picked up additional space where we can put another parking space so we're down to 3 instead of 4 on the variance request for parking spaces and signage staying the same, the front facade of the building so we're down to really two requests.

MR. KANE: So 30 square foot sign request is gone?

MR. FISCHER: No, that's still a request.

MR. KANE: Sign request and 3 parking spaces instead of 4 and rear yard setback is gone?

MR. FISCHER: Correct.

MR. KANE: So basically we're just doing the sign and 3 parking spaces.

MR. FISCHER: Yes.

MR. KANE: Good job, thank you. You can proceed.

MR. FISCHER: Obviously, we have to go back to the planning board so there will be some details when we get to the planning board and so let me turn it over to our site engineer, see if there are any changes.

MR. HARPER: Well, I think Chris explained how we got the relief from the rear yard setback, you know, we put the parking back to the required minimum 19 feet, we have reduced this driving aisle here down to 30 feet and we have worked closely with Hess, their site plan people as well on this, we have also like he said because we moved the building and this moved out, we found enough room for another parking space. We have tested this with our templates for truck deliveries as far as gasoline and that works, it's tighter than it was but it works and, you know, I think you already knew we closed one opening here because of the county had requested that and of course in our site plan review with the planning board we will address landscaping, the ordinances for that landscaping.

MR. KANE: We have been basically been through this and we have got the changes that we wanted made so it's, I don't think there's any need to go through all the detail again.

MS. GANN: No.

MR. MC DONALD: No.

MR. REIS: Mr. Chairman, I just want to clarify I was in the audience on the continuation it says request for 7 foot rear yard setback.

MR. KANE: Cross it off, it's not there anymore, it's eliminated. And the 4 parking spaces went down to 3 cause they were with the move they were able to pick up a parking space so basically we're working on a 3 parking space variance and the 30 square foot facade sign they're asking for. That's it. Everybody understand? I'm willing to accept a motion.

MR. BABCOCK: Do you have to reopen it to the public?

MR. KANE: Actually I do not because nothing has really changed, I was going to when I first heard it but since there are no real changes what they have done is eliminate things, there's no real reason to reopen it back to the public.

MR. BABCOCK: Okay.

MS. GANN: Accept a motion?

MR. KANE: Yes.

MS. GANN: I'd like to offer a motion that we grant Amerada Hess Corporation their request for 30 foot square foot variance for the facade sign and for 3 parking spaces at the corner of Union Avenue and Windsor Highway.

MR. MC DONALD: Second it.

ROLL CALL

MS. GANN	AYE
MR. MC DONALD	AYE

August 22, 2005

53

MR. REIS	AYE
MR. KANE	AYE

MR. KANE: Thank you very much. Motion to close the meeting.

MR. MC DONALD: So moved.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 31, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 222.84 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-36

NAME & ADDRESS:

**Amerada Hess Corporation
One Hess Plaza
Woodbridge, NJ 07095**

THANK YOU,

MYRA

LR-8-31-05



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-36 TYPE: AREA TELEPHONE: 732-750-6192 (HESS)

APPLICANT:

Amerada Hess Corporation
One Hess Plaza
Woodbridge, NJ 07095

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>2845</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: COMMERCIAL \$500.00 CHECK # 2846



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>6</u>	PAGES	<u>\$ 33.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	_____	PAGES	<u>\$ _____</u>	<u>\$ _____</u>
PUBLIC HEARING:	<u>12</u>	PAGES	<u>\$ 66.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	<u>4</u>	PAGES	<u>\$ 22.00</u>	<u>\$ 35.00</u>

LEGAL AD: Publish Date: 8-11-05 \$ 51.16

TOTAL: \$172.16 \$105.00



ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 277.16

AMOUNT DUE: \$ _____

REFUND DUE: \$ 222.84

Cc:

L.R. 8-31-05

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Amerada Hess

DATE: 8/22/05

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	Jagie Szeinsky	298 Union Ave	561-3894
2.	J. J. Hill	"	"
3.	Joan Hill	222 Dancker Ave	565-4906
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PUBLIC HEARINGS:

AMERADA HESS CORP. (05-36)

MR. KANE: Tonight's first Public Hearing is Amerada Hess Corporation request for a seven foot rear yard setback, a thirty square foot variance for façade sign and four parking spaces, all at the corner of Union Avenue and Windsor Highway in an NC Zone.

MR. ALEXANDER: For the record I'm Neil Alexander of Cuddy and Sader here on behalf of Amerada Hess Corporation. To my right is Richard Harper of Morris Associates, the engineers, and also here is a representative of Hess Oil. We did quite a lengthy presentation last month, I don't know if anyone is here for this if they want to move to the front row.

MR. KANE: We will find out soon.

MR. ALEXANDER: Ok, fair enough. Just to recap, basically Hess is looking to redevelop the existing DB Mart Site. There is three variances needed. One has to do with the rear of the property. Essentially, it's a 50 ft. requirement here in order to fit the building on the site while closing one of the existing access points on Rt. 69 and for a few other geometry of the site reasons we wind up being approximately 8 ft. where 15 ft. is required in order to ameliorate that situation, we offered to face all four sides of the building so the rear will be finished no differently than if it were a front or a side. We've also offered to put a fencing along the rear property line in that vicinity and address the vegetative issues which there is really not much room to go on our property but, we are more than open to discuss. The second variance is the fact that we have parking spaces for 20. The code goes through a couple of different things I'll just bring up is that the code treats this as straight retail from the standpoint of analyzing the parking situation so we need one space for every 150 square feet, which comes out to 24. We actually broke down the Hess facility into the part that is storing of materials vs. retail area vs. the pumping area. We'd actually comply if you broke it out that way but that's not how your code does it I just give that for a frame of reference. We also brought as a frame of reference or justification the fact of the matter is that we have twelve parking spaces at our pumping stations and our experience after talking to regional managers and our traffic engineers out of New Jersey is that there are a lot of people who are pumpers who become shoppers and they don't move their car from being pumped into a parking space in order to shop. They do it from their pumping space and they finish pumping and I think this goes to everyone's own personal experience so I won't belabor that. The third aspect, and it's in your original package, is the signage. Hess' sign is not a square it is on a tilt so when you box it as your code requires you have a lot of dead space for the sign so instead of drawing it as a box where your code requires 55 square feet, if you drew it elliptically around the Hess, and the wayto give you a frame of reference as to why we justify it drops down to 32 square feet from 55 and the code requires 25 so we submit to you tonight as major as first blush when you look at the numbers on a

piece of paper. Those are the three variances that are being required. We've met on several occasions before this with your Town Engineer and Planners who've made the recommendation which Orange County concurred with in closing the first ingress/egress point from the intersection on County Rt. 69. This really should ameliorate to the fullest extent the stacking problem that existed in this area when the DB Mart was open because you've moved the intersection point from 47 feet to about 120 ft. roughly, the exact number is in our submission 118 ft. is in our submission. That's the essence of the proposal.

MR. REIS: Is there a minimum requirement on the planning board or from your point of view to cover the area between the pump stations and the parking lots of the store.

MR. ALEXANDER: If I'm correct, you're talking about this area.

MR. REIS: That's correct.

MR. ALEXANDER: I believe, I'm going to have Mr. Harper come up but I believe it's 24 feet is the..... Richard is that the design criteria from interaction standpoint it's Board Member Reis is that correct.

MR. REIS: Yes

MR. ALEXANDER: Between when a car pulls out here and a car goes in here and not have them .

MR. REIS: The reason for my question is to get some relief for the building being so close to the side or rear yard. That is the reason why I'm asking.

MR. HARPER: Oh, actually we've got more like 30 feet between there and that was based on Hess' experience for what works better for the traffic circulation there from safety standpoint. I think the minimum is 24 ft.

MR. KANE: And then you also have parking spaces right in the front which take up if I remember correctly about 17 feet each space coming out.

MR. HARPER: Well, they're actually 20 ft and we have, you know the actual maneuver space that's required behind that for the spaces would be 24 ft. we've actually made it more, 30 I think it is.

MR. REIS: Was it the recent request from the Board, it's just my point of view here, we haven't discussed this to reduce that space to give us a little bit more rear or side yard in the back of the building.

MR. ALEXANDER: I think what comes in is you start, I'll mention again, I'm not the traffic expert, you start moving this here and you have problems getting the ingress

and egress and getting circulation around. You don't have enough movement to go there and the I guess the question you have to balance is if you start tightening this down in order to benefit this, what conflicts you create in here for the sake of, you know, we told the Planning Board and I don't know if Mr. Sarinsky is here or not, but, if he's the one who's concerned, we definitely offered and are willing to plant along his property line on his property even if he'd give us the right to do that, plantings in addition to the fence and finishing the building. I mean we don't have a problem with that, I'm just concerned about creating a conflict here that's vehicular vs. the esthetic conflict here that we could probably ameliorate with 8 - 10 ft. tall pines, you know to some extent.

MR. HARPER: And I might add that all the stations that I've seen in our office, Morris Associates, is between 30 and 32 feet here. So I just take it that that is experience...

MR. KRIEGER: Would you say the separation between the pumps and the main building of 30 feet or 32 feet is what you depicted as consistent with the industry standard.

MR. HARPER: I would.

MR. KRIEGER: And it's to promote traffic flow.

MR. HARPER: Yeah, you got that typical entrance and exit of the parking space but then you got the people looping around from the pumping spaces too.

MR. REIS: So what was established is basically the norm for the industry.

MR. HARPER: That's correct.

MR. KRIEGER: Mike, this is subject to Planning Board Review.

MR. BABCOCK: Yes.

MR. KRIEGER: So all the questions for this Board are all the questions of screening and so forth, you can either put, if you're inclined to grant the application when it comes time for that to happen, you can either put them in as conditions or you can allow the Planning Board to handle it, there will be a Planning Board review after that, so it's your choice.

MR. BABCOCK: They have attended a Planning Board meeting, that's how they are here, they got referred from the Planning Board but, they will be going back to the Planning Board for further review once they are successful in getting their variances.

MR. KRIEGER: Ok, with respect to the sign on the front, it would, for the record because this picture won't be in there, the proposed sign will not project any higher than the roofline on the front side of the building.

MR. ALEXANDER: No, it will not.

MR. KANE: Any other questions at this moment. Then I will open it up to the public. I need you to state your name and address please, speak clearly and try not to be repetitive if there is more than one person speaking. Thank you.

MR. DAVE SARINSKY: My name is Dave Sarinsky. I live on 298 Union Avenue which is to the east of bordering the Hess Mart's new property and I have some comments I'd like to make. I'm here because I'm opposed to Hess' variance request. I live at 298 Union Avenue which borders the east side of Hess' property line. I also own the car dealership which borders the north side of Hess' property. I'm a life-long resident of New Windsor. In 1972 my father and myself built our business on Windsor Highway and we were required to follow the setback laws which we did. In 1985 I was required to follow the setback laws when I built my home and I did. I have a letter from a local realtor, which I have a copy for everyone, who came to assess the impact this variance request would have on my home. Her opinion was that Hess being so close to the property line would have a very negative impact on the residential value of my home. She listed seven reasons to explain her opinion. My biggest concerns are the negative impacts as to the value of my residential home, the privacy loss I will incur and the noise and the garbage pollution. Seven feet, although it doesn't sound much, makes a very big difference. Hess is building a bigger facility than the existing facility and they are installing more gas pumps than the existing station. I don't have a problem with the new facility as long as it is not at my expense. If you look at the plans for the new station, they plan on putting concrete sidewalks right up to the property line so they have room to make deliveries in the back of the building. The sidewalks go right to the very edge of the property. My daughter's bedrooms are on that side of the house. This is a 24 hour, 7 day per week business with deliveries being made all hours of the day or night. These plans show no consideration for the residential neighbors, that being me. Would any of you approve this if it was next to your house. What I request is to keep the current 15-foot setback in place. This is a commercial business that is open 24 hours, 7 days a week and it borders my existing residential home, I lost my place, I'm sorry. Since this is a commercial business that is open 24 hours, 7 days a week and it borders my existing residential home, Hess should have to put up a fence and a row of trees or shrubbery on their property. Right now there is an existing row of 20 ft. Arbor Vitae for the purpose of garbage, noise and privacy. Since this is new construction and Hess wants to build a bigger facility than the present one, the responsibility should fall on Hess to protect the current environment of the neighborhood. Instead, they are trying to build the biggest facility they can fit on too small of a piece of property. This is clearly the case of a big corporation caring more about how much money they can make instead of caring about the environment around them. There is no reason Hess can't build a smaller facility that fits on this size piece of property they have instead of infringing

on other people's rights. I hope you agree with me and deny Hess' request for this very aggressive variance request. Now, I kind of read a statement because I was afraid I was going to leave out some of the facts but, the bottom line is I'm their only neighbor. Nobody else cared because I'm the only guy who's rights they are infringing upon. This is my home. This is where my family has been brought up and this is where I'm planning on staying for the next 30 years. I don't mind. They're entitled to use their property for the purpose they bought it for, but, their facility is too big. They have more gas pumps and a bigger building than they had before. Why can't they stay the size they were or make it bigger but make it fit the piece of property they have. This really infringes upon my rights, I've always followed the rules of New Windsor, I've always done what I'm supposed to do. Why should they be an exception just so they can make more money. They're a corporation, they don't live in New Windsor, they don't have their family in New Windsor, they don't vote in New Windsor. They're here to make money, that's all they care about. I've been here all my life and I plan on being here the rest of my life. I think this is a very unfair situation. They want to put trees up. They're being big sports but, they want to put it on my property. Why should it be on my property, I'm not causing the problem. What really upsets me is if you look at the back of the building, they have all kinds of doors where they are going to make deliveries 24 hours a day. That means there's going to be big trucks, there's going to be traffic in and out of those back doors all day long and all night long. I'm in a residential home. My property is residential. It's built properly and it's in the right place. This is a very unfair situation to me and I feel it's way out of line. Let them build a smaller building. Let them make the building 7 feet less wide, then we won't have the problems. I have no problems with their sites. I want to be a good neighbor but, I don't want my rights infringed upon here and that's what they're doing. I have a copy of what I just said because I didn't read it very eloquently, and I have a copy of the letter from the realtor that I'd like everyone to look at for the record. I'm not asking for anymore than I deserve here. I've always considered myself a model citizen. This is, as far as I'm concerned, is way out of line. Seven feet doesn't sound a lot, but, when you're in your back yard and your kids are in the pool and you got to look at the back of this building and I hope there's going to be bathrooms inside. Is there bathrooms inside for the public?

MR. ALEXANDER: Mr. Chairman do you want to get back and forth, do you want me to respond.

MR. KANE: I'm going to have you respond to this in total.

MR. SARINSKY: Ok, because right now the facility that is there right now has no bathrooms to the public and my kids are out in the back yard and there's people that's walking behind this place ten times a day going to the bathroom and now they're pushing this further back to me. And the last point, which isn't Hess' fault, but, this land is polluted and this land has been polluted for ten years. I was talking to the DEC on Friday and the levels are still above where they're supposed to be and the original owners were supposed to clean it up and in the middle of the clean up they went bankrupt. When they went bankrupt, they left me holding the bag. I have a piece of

polluted property that's supposed to be cleaned up because of the gas station and there's nobody there helping me and now we want to put a bigger gas station in there. When they did the clean up that they did, they never cleaned up under the existing building. Now when they knock down this existing building, we know there's a big mess under there. We saw it when they were cleaning up the original thing, but, they didn't want to disturb it. So now we're going to have this nightmare all over again and now you're asking me to have them put this 7 ft. from my property line. There's fumes literally coming in my house because we had an indoor air testing, there's MTB and PCB fumes coming in my house that nobody wants to do anything about and now they want to put a bigger gas station closer to my home. I don't think there's anybody here that wouldn't agree with me that they feel the same way that I feel and if this goes through it puts me in a position that I have to something with my house, I can't live there. All's I'm asking for is 7 ft. I want them to follow the rules like I followed the rules. I built my house on the proper setbacks and I built my business. Just because they are a big corporation, that doesn't give them the right to break the rules and they're not breaking the rules, they're asking for a variance but, I'm the guy that's got to shoulder the burden of all this and it's not fair. And I'm the guy who's been here all my life and I'm the guy who's going to be here the rest of my life supporting the community. So that's my piece of mind and I hope everybody understands my position.

MR. KANE: Thank you. Would you like to address his comments.

MR. ALEXANDER: There's a few of them... um... and I mean to be respectful and so forth but Mr. Sarinsky basically owns two pieces of property and to my understanding and I don't want to give you my back but..... inaudible. This is where his home is, I don't know exactly where it is on the footprint. This is a strip, my best guess, I didn't look at title, but, he has left a strip here that approximately when it nets down here probably 20 odd feet and probably closer to 40 or 50 feet here.

MR. SARINSKY: 45. 45 on the bottom and it's 30 on the top and that's a right-of-way into the back piece of the property.

MR. ALEXANDER: Right, so the 7 ft., I just want to contextualize the 7 ft. It is 7 ft. from here. There's a strip here that goes to his business.

MR. SARINSKY: No, there's a separate acre in the back that the strip goes to.

MR. ALEXANDER: Oh it goes to this one, OK.

MR. SARINSKY: There's a residential piece of property in the back of my home that that's the right-of-way to the residential piece of property. So you want me to put trees....

MR. ALEXANDER: Please wait... I don't mean to be rude. Just give me 3 seconds.

MR. KANE: We are not going to have a debate, it's not going to happen.

MR. ALEXANDER: The point I'm trying to make Mr. Chairman and members of the Board is this, um, and I don't have all the facts here but what I can say when I look at this paper and I'll leave it ... there's a fair amount of property here that's a buffer as well in addition to this. His home is somewhere up in this, even if you put it right here, it's still 50 ft. at that point and I think that's an important point to consider when you talk about the variances and the impact to the community vs. the benefit to the applicant and statutory test. It's not that the home is right here. As far as the past history with DB Mart I'm mean we're successors of interest to it only we didn't do anything about that you know to the extent that anyone... that's just sort of past history. I can't really comment on that and what happened and why that happened. We bought something out of bankruptcy and we're trying to rebuild and redo the site. But, I think it's really important to keep in mind that this is an issue plus it's not we're just saying sort of live with it, we've offered to finish all four sides, we've offered to provide a fence and Richard correct me if I'm wrong, these are going to bathrooms. This is not for delivery, is this for delivery and storage.

MR. HARPER: No.

MR. ALEXANDER: These are just the public bathrooms the separate entrances. Deliveries are going to come through the front door.

MR. KANE: So, there are no deliveries going through the back.

MR. ALEXANDER: No.

MR. KANE: There will be none going through the back.

MR. ALEXANDER: Correct. So unless you all have more, those are just some of the highlights I'd like to point out.

MR. KANE: What about the clean up from when the building is torn down.

MR. ALEXANDER: I have not been retained to do the environmental work, but, I can guaranty you one thing is that they are going to comply with DEC standards. I mean if there is they're going to have no choice but to comply with DEC standards given an installation and whatever the cleanup requirements are.

MR. HARPER: I just want to add, the restrooms are actually inside. There are electrical boxes and, I'm not sure what else is on the back of the building but, the restrooms are inside.

MR. KANE: Are there any entrances for the building in the back of the building.

MR. HARPER: I don't think so. I think Andy Lautenbacher who is the representative for Hess.

MR. ALEXANDER: I've just been corrected. Just so the record's clear, there's all deliveries and restrooms are entered through the front. This is an emergency exit given the nature of the building that goes out this way. There are other facilities operation related tasks that are addressed out here.

MR. KANE: What would they be.

MR. ALEXANDER: That's what I've got to find out. Its electrical boxes?

MR. LAUTENBACH: Electrical room.

MR. ALEXANDER: An electrical room.

MR. KANE: Any other members of the public that wish to speak. Ok, at this point I'll close the public portion of the hearing and bring it back to the Board.

MR. REIS: Richard, your position here is...

MR. HARPER: I work for Morris Associates and we've worked on the site plan.

MR. REIS: Did you do the design of the building and the site plan?

MR. HARPER: Not the building, we get that from Hess.

MR. REIS: Ok. I'm going to offer a possible solution to the problem all right, to satisfy the neighbor and perhaps satisfy Hess' need for certain amount of square foot to make money. Would it be possible to decrease, according to your plan it says 51 ft. from the front to the back of the building, make that 7 ft. less so you don't have to have that variance and take it out on an L to the north end to accommodate this minimum square foot, would that be a possible solution.

MR. HARPER: I'd like for the Hess Representative maybe to address that if he might. You know from my standpoint of not having anything to do with the building except for just site plan you know, it looks like that would work.

MR. PAGANO: Anthony Pagano, I'm with Amerada Hess Corporation, The buildings are pre-fab so it comes in sections and it's the standard size 35 X 14.

MR. BABCOCK: Mr. Chairman could I just say one thing just to correct some numbering here. Right now they're showing a 20 ft. long parking space and it's only required to be 19 ft. So that's one foot. They are also showing approximately 30 ft. back out space and it's only required to be 25 ft. So that's 5 ft. What Mike was

saying before as far as the thing, I didn't want to interrupt the public hearing. So that's 6 feet right there.

MR. ALEXANDER: Could you do the first one again just so I could write it down.

MR. BABCOCK: The parking space requirement in the Town of New Windsor is 9 ft. X 19 ft and you are showing 20 ft. The backout space on 90 degree parking and it's right on your plan here is 25 ft. I know 30 is more comfortable, I've been in these stations myself, but, it's not required.

MR. ALEXANDER: I guess what it comes down to and those are all fair points. It goes back to our initial interaction with Board Member Reis is from a code compliance standpoint we could probably it sounds like we could pick up 6 ft. Now the question is is the Board balancing, are you better off seeing plantings that occur or are you better off in having a tight constraint. When you have the strip in between to begin with next to the house and Mr. Sarinsky did testify that his house complies with the setbacks in a residential zone. So it's pretty far back to that building or do you want to take the risks of not having the benefits of not having the extra space for a vehicular standpoint. And that's a balance the Board needs to consider.

MR. KANE: The balance is that we should still have some kind of fencing and shrubbery back there and pick up the 6 ft. and look at a 1 ft. variance. Or, you know, pick that 6 ft. up or put it to the Board and allow it to be Aye or Nay.

MULTIPLE CONVERSATION.....

MR. ALEXANDER: That's exactly the subject we're discussing, imagine if you had two SUV's so that's the 19 and you have 19 ft. coming this way. You don't have a lot of space for maneuvering here. Plus it's also..

MR. KANE: I'll tell you, I'm not real comfortable with making the decision based on that somebody has an oversized SUV.

MR. ALEXANDER: Mr. Chairman I'm talking it out, I'm not trying to push for one way or another. You got a very busy intersection here. I just think it militates in favor of a design that's more vehicular based than necessarily worrying as much about the residential component that is somewhat farther away. I think, there's a reason why Orange County pushed on us to close this, I mean it was stacking up around here. That tells you the volume of traffic that goes by here and is going to go through this site. I just think you are better off being able to have smooth sailing in here than having a jam-up in here and have it jam up...

MR. KANE: To be argumentative, we can take both by making the building smaller. I'm looking for a compromise.

MR. ALEXANDER: I hear you loud and clear, I'm not authorized to do that right now. I'm going to take that back to my client. I hear how strongly it's been stated. It's crystal clear.

MR. KANE: Would you like at this point, since I think you're getting a good feeling of what's going on with the building in the back, to basically table the motion at this point to discuss it with your clients and then come back.

MR. ALEXANDER: Definitely, I'd like to just check one thing with your attorney just to put him on the spot. On the hearing issue, if we decrease down our variance since it's a lesser variance do we need to rehear? I mean we're responding to.

MR. KRIEGER: No, if it's tabled now then you are still under the umbrella of the original application.

MR. ALEXANDER: That's what we're more than willing to do. What I would like to flush out is just to confirm that there are no concerns that we haven't addressed in regard to the other two variances.

MR. KANE: I have no problem with the sign at all. I have no problem.

MS. LOCEY: I would like you also to explore the possibility of changing the shape of that building. Because if it were longer and less wide, that might also mitigate the problem.

MR. KANE: That's exactly what we're talking about.

MR. KRIEGER: I do have one question with respect to the parking just so I could put it in the record. Even though the parking is less than what's required by the code, you're proposing to produce as much or more parking than existed on this site previously.

MR. ALEXANDER: Oh yes, definitely more.

MR. KRIEGER: It's less in violation than it was.

MR. ALEXANDER: Agreed. I think unfortunately, in the prefabricated worldinaudible... I don't think we are going to have any flexibility on the shape of the building. Obviously, we can call the manufacturer to see if they have something, I think we are going to have to do something more in line with tightening things up. I think that's just the reality.

MR. KANE: I Think you have to. I want to see that space...

MR. ALEXANDER: But, I just didn't want you to feel when we come back with whatever we tightened up that we didn't take into consideration, I can tell you when we talk to people we report to, what they're going to say is this is a prefab unit, it's pre-priced, you know so forth and so on. If the manufacturer makes something like that we're going to slide that right in. If not, well we'll probably come back and it's not that we didn't take credence to what you're saying it just that's going to be harder to accomplish than taking what's been approved internally by the corporation.

MR. REIS: In due respect to your principals and superiors, these are prefab units, they are, I don't want to plan engineer here, but, they can make them as big or as small as they want. I think it's important that you don't ask them but tell them that this is what's going to be required and they will produce it for you rather than ask them.

MR. ALEXANDER: I will make that voice very clearly heard.

MR. KANE: Please.

MR. BABCOCK: Mr. Chairman, if the building is cut down 7 ft., they no longer need a parking variance.

MR. REIS: We want to give you the spaces there, make it work for yourself.

MR. ALEXANDER: Right, and then I was going to say is it comes back to meeting the volume of the business to make it work so this store doesn't wind up like the DB Mart and just sitting there across from the brand new town houses is not being productive, so it is a balance between all that and we hear you loud and clear.

MR. KANE: So do I have your permission to table.

MR. ALEXANDER: Yes you do.

MR. KANE: Michael would you make a motion to that effect. Before you do that let me just, Mr. Sarinsky, do you understand what we are doing? Ok Mike.

MR. REIS: I make a motion that we table the public hearing for Amerada Hess Corporation, do we need to specify a date or.

MR. KRIEGER: Well, you should or otherwise, you could leave it open, but, from a legal standpoint, its better if you have a date.

MR. KANE: I'd rather not leave it open-ended.

MR. ALEXANDER: 30 days? What's your schedule.

MR. KANE: We do two meetings a month.

MR. ALEXANDER: What's your second meeting in August, because I'm not going to be able to turn it around in two weeks, I know that.

MR. KANE: That's fine. It's the second and fourth. August 22nd.

MS. LOCEY: I'll second the motion.

ROLL CALL:

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

Town of New Windsor
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-36
Request of AMERADA HESS CORPORATION
for a VARIANCE of the Zoning Local Law to Permit:
Request for:
7 ft. Rear Yard Setback and;
30 square foot variance for facade sign and;
4 parking spaces and;
All at corner of Union Avenue & Windsor Highway in
an NC Zone (12-2-1)

PUBLIC HEARING CONTINUATION will take place on AUGUST 22, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1786315 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

INVOICING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODDRIL Date: 08/08/2005 Assigned Sales: AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THI Paper: IN Class: 999X; LEGAL BILLING

Schedule: Start Date - 08/11/2005 End Date - 08/11/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPE

PRODUCTION:

Text Size: 2 x 28.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 51.16 Payment Method: BI Amount Paid: 0 Amount Owed: 51.16

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEI

For fields listed below 0 = NO 1 = YES

Tell Forbid: 0 Mult. Content: 0

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

AMERADA HESS CORPORATION

AFFIDAVIT OF SERVICE BY MAIL

#05-36

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 10TH day of AUGUST, 2005 , I compared the 32 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

10th day of August, 2005


Notary Public

JENNIFER MEAD
Notary Public, State of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING CONTINUATION NOTICE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will continue a Public Hearing on the following Proposition:

Appeal No. 05-36

Request of AMERADA HESS CORPORATION

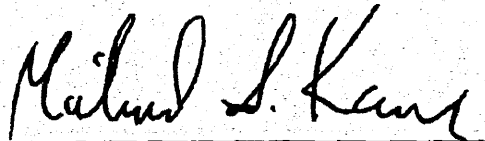
for a VARIANCE of the Zoning Local Law to Permit:

Request for:

**7 ft. Rear Yard Setback and;
30 square foot variance for façade sign and;
4 parking spaces and;**

All at corner of Union Avenue & Windsor Highway in an NC Zone (12-2-1)

**PUBLIC HEARING CONTINUATION will take place on AUGUST 22, 2005 at
the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**

A handwritten signature in cursive script, reading "Michael S. Kane". The signature is written in dark ink and is positioned above a horizontal line.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

August 10, 2005

Morris Associates, PS, LLC
9 Elks Lane
Poughkeepsie, NY 12601 (Richard Harper, Planner)

SUBJECT: REQUEST FOR VARIANCE #05-36

Dear Sirs:

This is just to let you know your Notices for Public Hearing Continuation were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Corner of Union Avenue & Windsor Highway
New Windsor, NY

is scheduled for the August 22, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF:

July 20 2005

PROJECT: Amerada Hess

ZBA # 05-36

P.B.#

USE VARIANCE:

NEED: EAF

PROXY



LEAD AGENCY: M) S) VOTE: A N

GANN

LOCEY

BROWN

MCDONALD

REIS

KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

GANN

LOCEY

BROWN

MCDONALD

REIS

KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN

LOCEY

BROWN

MCDONALD

REIS

KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

GANN

LOCEY

BROWN

MCDONALD

REIS

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N

GANN

LOCEY

BROWN

MCDONALD

REIS

KANE

CARRIED: Y N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) RS S) L VOTE: A N

GANN

LOCEY

BROWN

MCDONALD

REIS

KANE

CARRIED: Y N

Tabled to 8-22-05

Richard Harper

Neil Alexander does presentation

Reis-

Kreigs - spoke - signs

Send copy to Neil Alexander

Anthony Pagano - Hess

Good Evening. My name is David Sarinsky. I am here because I am opposed to the Hess variance request. I live at 298 Union Ave which borders the east side of Hess's property line. I also own the car dealership on 171 Windsor Highway which borders the north side of Hess's property. I am a life long resident of New Windsor. In 1972 my father and I built our business on Windsor Highway and we were required to follow the set back laws. I built my house in 1985 and I was required to follow the set back laws. I have a letter from a local realtor who came to assess the impact that this variance request would have on my home. Her opinion was that Hess being so close to the property line would have a very negative impact on the residential value of my home. She listed seven reasons to explain her opinion. My biggest concerns are (1) the negative impact as to the value of my residential home (2) the privacy loss I would incur and (3) noise and garbage pollution. Seven feet, although it doesn't sound like much, makes a very big difference. Hess is building a bigger facility than the existing facility and they are installing more gas pumps than the existing station. I don't have a problem with the new facility as long as it is not at my expense. If you look at the plans for the new station they plan on putting concrete sidewalks right up the property line so they have room to make deliveries in the back of the building. My daughters' bedrooms are on that side of the house. This is a 24 hour 7-day a week business with deliveries being made all hours of the day and night. These plans show no consideration for their residential neighbors. Would any of you approve this if it were next door to your house?

What I request of the board is to keep the current 15ft set back law in place. Since this is a commercial business that is open 24 hours 7 days a week and it borders my existing residential home Hess should have to put up a fence and a row of trees or shrubbery on their property. Right now there is an existing row of 20ft high arborvitae for the purpose of garbage and noise pollution and privacy. Since this is new construction and Hess wants to build a bigger facility than the present one, the responsibility should fall on Hess to protect the current environment of the neighborhood. Instead they are trying to build the biggest facility they can fit on too small of a piece of property. This is clearly a case of a big corporation caring more about how much money they can make instead of caring about the environment around them. There is no reason Hess can't build a smaller facility that fits on the size property they have instead of infringing on other people's rights. I hope you agree with me and deny Hess's request for their very aggressive variance request.

Bernadette Gillespie, LLC



July 25, 2005

David Sarinsky
298 Union Avenue
New Windsor NY 12553

Dear Mr. Sarinsky:

As per our telephone conversation and a personal inspection of your home at 298 Union Avenue in the Town of New Windsor it is my professional opinion that a gas station convenient store any closer to your property line and house will have a direct NEGATIVE impact on the residential value of your home.

Any commercial building moved that close to the line will be cause of concern for a future buyer due to:

- a. appearance in relationship to your home
- b. appearance in relationship to cleanliness/upkeep of the commercial building
- c. noise from the rear of the building during late business hours from employees and deliveries common in businesses open 24 hours
- d. potential of loitering in the rear of building from customers
- e. lighting (darkness) potential for break in or robbery when you come in late
- f. lighting (bright) infringes on your quiet and peaceful use of your property
- g. odors from numerous items examples may be food preparation to trash

If you have any questions, or I could provide you with any further information, please do not hesitate to contact me. As you are aware LOCATION is key to the value in real estate. The location of that building will definitely be negative in relationship to value of your property.

RESPECTFULLY,

BERNADETTE GILLESPIE
BROKER/OWNER, CRS, GRI, CBR
SENIOR HOUSING SPECIALIST

☒ Bernadette Gillespie
Broker/Owner, CRS, GRI, CBR
Senior Housing Specialist

☐ Gail Prokosch
Licensed Broker Associate, CBR

☐ Jodi M. Gillespie
☐ Suzanne Barr
☐ Dominic Moresco
Licensed Real Estate Salesperson



CERTIFIED BUYER
REPRESENTATIVE

67 South Plank Road
Newburgh, NY 12550
Phone/Voice Mail 845-565-7073
Fax: 845-565-7077
Web Site: www.bernadettegillespiellc.com

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Amerada Hess

DATE: 7/25/05

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	Dave Sarinsky	29 Union Ave	
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
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18.			
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20.			

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

AMERADA HESS CORP.

AFFIDAVIT OF SERVICE BY MAIL

#05-36

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 13TH day of JULY, 2005, I compared the 32 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra Mason
Myra L. Mason, Secretary

25th day of July, 2005


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-36

Request of AMERADA HESS CORPORATION

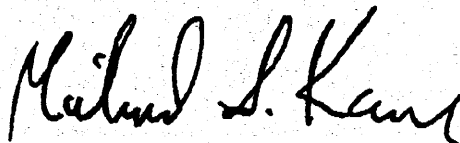
for a VARIANCE of the Zoning Local Law to Permit:

Request for:

**7 ft. Rear Yard Setback and;
30 square foot variance for façade sign and;
4 parking spaces and;**

All at corner of Union Avenue & Windsor Highway in an NC Zone (12-2-1)

PUBLIC HEARING will take place on JULY 25TH, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

June 24, 2005

Morris Associates
ATT: Richard Harper
9 Elks Lane
Poughkeepsie, NY 12601

Re: 12-2-1 ZBA#: 05-36

Dear Mr. Harper:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

4-2-21.12

Patriot Plaza Associates, LLC
1 Executive Boulevard
Yonkers, NY 10701

9-1-25.4

Eugene & Jann Hecht, LLC
129 Meadow Hill Road
Newburgh, NY 12550

12-1-24

Louis & Kathleen Antonelli
3 Hillside Avenue
New Windsor, NY 12553

12-1-30

Erik Cutroneo
19 Hillside Avenue – Apt. 3
New Windsor, NY 12553

12-2-4

Gertrude Sarinsky
294 Union Avenue
New Windsor, NY 12553

24-1-5

John & Rose Mitchell
228 James Street
New Windsor, NY 12553

24-1-21

Linda & Ronald LeMin
181 Windsor Highway
New Windsor, NY 12553

24-2-2

Jeanette & Joseph Martinez
224 Daniher Avenue
New Windsor, NY 12553

24-2-8

Tracy Bielenberg
Giuseppe DiBella
238 Daniher Avenue
New Windsor, NY 12553

24-3-1

Genevieve Thompson
293 Union Avenue
New Windsor, NY 12553

9-1-11 & 12-1-23

Offer Avgush
152 Route 202
Garnerville, NY 10923

12-1-18.1

Eric Acquaro
16 Hillside Avenue
New Windsor, NY 12553

12-1-27 & 49

John Antonelli
Frank Antonelli, Sr.
4 Cedar Court
Palm Coast, FL 32137

12-1-48

Central Hudson Gas & Electric Corp.
284 South Avenue
Poughkeepsie, NY 12602

12-2-5

David & Jacie Sarinsky
298 Union Avenue
New Windsor, NY 12553

24-1-6

Edith Sambells
230 James Street
New Windsor, NY 12553

24-1-22.1

Javier Sabillon
179 Windsor Highway
New Windsor, NY 12553

24-2-3

William & Marie Murphy
228 Daniher Avenue
New Windsor, NY 12553

24-2-15

Truman Adams
c/o Gary Adams
13 Boulevard
Cornwall-On-Hudson, NY 12520

24-3-2.2

Margaret Millsbaugh
226 Spruce Street
New Windsor, NY 12553

9-1-25.3

Herbert Redl
80 Washington Street
Suite 310
Poughkeepsie, NY 12601

12-1-19

Manuel Cruz
Carmen Milagros Cruz
12 Hillside Avenue
New Windsor, NY 12553

12-1-28 & 29

Joseph & Rose Ann Cubito
15 Hillside Avenue
New Windsor, NY 12553

12-2-2 & 3

David Sarinsky
298 Union Avenue
New Windsor, NY 12553

24-1-1, 2, 3, 4, 24 & 25

Amelia Bacz
Almalina Ledesma
175 Windsor Highway
New Windsor, NY 12553

24-1-7.1

Joel & Nancy Barker
187 Windsor Highway
New Windsor, NY 12553

24-2-1

Joan Thiele
222 Daniher Avenue
New Windsor, NY 12553

24-2-6

Marion Adams
232 Daniher Avenue
New Windsor, NY 12553

24-2-16, 17 & 18

Diane & Donald McKee, Jr.
227 James Street
New Windsor, NY 12553

24-3-32

Emma Cocchia
229 Daniher Avenue
New Windsor, NY 12553

24-3-33

Theresa Bush
227 Daniher Avenue
New Windsor, NY 12553

24-3-34

Jennifer & Christopher Papartaros
P.O. Box 361 / Floyd Ackert Road
West Park, NY 12493

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#581-2005**

06/28/2005

Cuddy & Feder Llp

**Received \$ 30.00 for Assessors List, on 06/28/2005. Thank you for stopping
by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

July 19, 2005

Morris Associates, PS, LLC
9 Elks Lane
Poughkeepsie, NY 12601 (Richard Harper, Planner)

SUBJECT: REQUEST FOR VARIANCE #05-36

Dear Mr. Harper:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Rt. 32 & Union Avenue
New Windsor, NY

is scheduled for the JULY 25, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

ZBA 05-36

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#563-2005

06/22/2005

Amerada Hess Corporate

Received \$ 150.00 for Zoning Board Fees, on 06/22/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 06-21-2005

FOR: **ESCROW 05-36**

FROM:


Amerada Hess Corporation
One Hess Plaza
Woodbridge, NJ 07095

CHECK NUMBER: **2846**

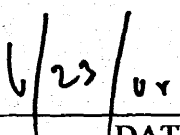
TELEPHONE: **732-750-6192**

AMOUNT: **500.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF: June 2005

PROJECT: Amuradas News Corp. ZBA # 05-36
P.B.# _____



USE VARIANCE: NEED: EAF PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____
CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____
CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____
CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____
CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Ps S) G VOTE: A 5 NO 0

GANN A
LOCEY A
BROWN A
MCDONALD A
REIS A
KANE A

CARRIED: Y ☒ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

Correct Agency description
Non flashing sign



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

June 21, 2005

Amerada Hess Corporation
One Hess Plaza
Woodbridge, NJ 07095

SUBJECT: REQUEST FOR VARIANCE #05-36

Dear Sirs:

This letter is to inform you that you have been placed on the June 26th, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

173 Windsor Highway
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

cc: Morris Associates, PS, LLC
9 Elks Lane
Poughkeepsie, NY 12601 (Richard Harper, Planner)



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

June 15, 2005

Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☒ Interpretation ☐

I. **Owner Information:** Phone Number: (212) 866-0191
Orwest New Windsor, Inc. c/o Ralph DiBart Fax Number: ()

(Name)

400 Central Park West, 7R; New York, NY 10025

(Address)

II. **Applicant:** Phone Number: (732) 750-6192
~~Amerada Hess Corporation~~ c/o Andy Lautenbacher Fax Number: ()

(Name)

One Hess Plaza; Woodbridge, NJ 07095

(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: (732) 750-6192
Amerada Hess Corporation Fax Number: ()

(Name)

One Hess Plaza; Woodbridge, NJ 07095

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 454-3411 X 29
Fax Number: (845) 473-1962

Morris Associates, P.S., L.L.C. Pete Setaro, P.E.

(Name)

9 Elks Lane; Poughkeepsie, NY 12601

(Address)

V. **Property Information:**

Zone: NC Property Address in Question: 173 Windsor Highway

Lot Size: 0.694 Tax Map Number: Section 12 Block 2 Lot 1

a. What other zones lie within 500 feet? R-4, NC

b. Is pending sale or lease subject to ZBA approval of this Application? No

c. When was property purchased by present owner? To be determined

d. Has property been subdivided previously? Yes If so, When: to Be determined

e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? Not to our knowledge

f. Is there any outside storage at the property now or is any proposed? Only refuse enclosure

****PLEASE NOTE:*****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	15 Ft.	8 Ft.	7 Ft.
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area	24	20	4

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

See Cover Letter

PLEASE NOTE:

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COMPLETE THIS PAGE ☐

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	2.5' x 10' = 25 SF	55 SF	30 SF
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs. See Cover Letter

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs $279 \text{ SF} + (3 \text{ Canopy Signs @ } ?$
 $24 \text{ SF each} = 72 \text{ SF}) = 351 \text{ SF}$

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

See Cover Letter

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☒ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☒ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☒ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

NOTE: See attached documentation provided on Planning Board forms.

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

_____ day of _____ 20____,

Owner's Signature (Notarized)

Owner's Name (Please Print)

Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

AGENT/OWNER PROXY STATEMENT

(professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

ORWEST NEW WINDSOR, INC., deposes and says that he resides
(OWNER)
c/o RALPH DI BART
at 400 CENTRAL PARK WEST 17R NEW YORK, NY 10025 in the County of NEW YORK
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. _____ Block _____ Lot _____)
designation number (Sec. 12 Block 2 Lot 1) which is the premises described in
the foregoing application and that he designates:

(Agent Name & Address)

PETE SETARD, P.E.

MORRIS ASSOCIATES, P.S., LLC ; 9 ELKS LANE, FRANKFORD, NY 12001
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICHEVER IS SOONER.**

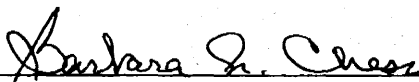
SWORN BEFORE ME THIS:

****** 

Owner's Signature (MUST BE NOTARIZED)

26 DAY OF JANUARY 2005

Signature (If Applicable)
BARBARA A. CHES
Notary Public, State of New York
No. 01CH6106714
Qualified in New York County
Commission Expires March 15, 2008


NOTARY PUBLIC

Professional Representative's Signature

**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Change _____ Site Plan ☒ Special Permit ☒

Tax Map Designation: Sec. 12 Block 2 Lot 1

BUILDING DEPARTMENT PERMIT NUMBER PA -

1. Name of Project HESS EXPRESS 32579
2. Owner of Record OR WEST NEW WINDSOR, INC. Phone 212-866-0191
C/O RALPH DIBART
Address: 400 CENTRAL PARK WEST, TR NEW YORK, NY 10025
(Street Name & Number) (Post Office) (State) (Zip)
3. Name of Applicant AMERADA HESS CORPORATION Phone 732-750-6192
Address: ONE HESS PLAZA, WOODBRIDGE, NJ 07095
(Street Name & Number) (Post Office) (State) (Zip)
4. Person Preparing Plan MORRIS ASSOCIATES, P.S., LLC Phone 845-454-3411
Address: 9 ELKS LANE POLYKEEPSIE NY 12601
(Street Name & Number) (Post Office) (State) (Zip)
5. Attorney NEIL J. ALEXANDER Phone 914-761-1300
Address: 90 MAPLE AVE. WHITE PLAINES, NY 10601
(Street Name & Number) (Post Office) (State) (Zip)
6. Person to be notified to appear at Planning Board meeting:

<u>NEIL ALEXANDER</u>	<u>914-761-1300</u>	<u>914-761-5372</u>
(Name)	(Phone)	(fax)
7. Project Location: On the EAST side of NYS RTE. 32 (NEW WINDSOR AVE.)
(Direction) (Street)
8. Project Data: Acreage _____ Zone NEW WINDSOR School Dist. (NO COMMERCIAL)

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes ☒ No ☐

*This information can be verified in the Assessor's Office.

*If you answer yes to question 9, please complete the attached Agricultural Data Statement.

10. Detailed description of Project: (Use, Size, Number of Lots, etc.)

RAZE AND REBUILD, CONTINUE SAME USE: GASOLINE SERVICE STATION AND CONVENIENCE STORE

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes ☒ no ☐

12. Has a Special Permit previously been granted for this property? yes ☒ no ☐

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:
COUNTY OF ^{New York} ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:



(OWNER'S SIGNATURE)

26 DAY OF JANUARY 2005

(AGENT'S SIGNATURE)


NOTARY PUBLIC

BARBARA A. CHES
Notary Public, State of New York
No. 01C16106714
Qualified in New York County
Commission Expires March 16, 2008
Print Agent's Name as Signed

TOWN USE ONLY:

DATE APPLICATION RECEIVED

APPLICATION NUMBER

LEGEND

- EXISTING TRAFFIC CONTROL BOX
- EXISTING MONITORING WELL
- EXISTING UTILITY POLE
- EXISTING UTILITY POLE ANCHOR
- EXISTING DOUBLE POLE SIGN
- EXISTING LIGHT POST
- EXISTING SINGLE POLE SIGN
- EXISTING CATCH BASIN
- EXISTING DRAINAGE MANHOLE
- EXISTING HYDRANT
- EXISTING SEWER MANHOLE
- EXISTING WATER VALVE
- EXISTING MAILBOX
- EXISTING PROPERTY LINE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING SANITARY SEWER
- EXISTING OVER HEAD UTILITY LINE
- EXISTING DRAINAGE LINE
- PROPOSED PARKING NUMBERING
- PROPOSED SINGLE POLE SIGN
- PROPOSED HANDICAP PAVEMENT MARKING
- PROPOSED CONCRETE

COVERAGE		
AREA TYPE	COVERAGE (SQ. FT.)	% OF TOTAL AREA
BUILDING	3,513	11.6%
PAVEMENT	20,388	67.4%
OPEN	6,346	20.9%
TOTAL	30,247	100% (0.694 ACRE)

ZONING DATA CHART - TOWN OF NEW WINDSOR			
ZONE-NEIGHBORHOOD COMMERCIAL	REQUIRED / ALLOWED	EXISTING USE	PROPOSED
LOT AREA	MIN 15,000 SF	30,247 S.F.	30,247 S.F.
LOT WIDTH	MIN 125'	±172'	±172'
STREET FRONTAGE		±332'	±332'
FRONT YARD SETBACK	MIN 40'	±20' (CANOPY) RTE. 69 ±15' (CANOPY) RTE. 32	±23' CANOPY RTE. 32
SIDE YARD SETBACK	MIN 15'	24.82' (BLDG.)	±44.5' NW CORNER BUILDING
TOTAL SIDE YARD SETBACK	MIN 30'	24.82' (BLDG.)	±45'
REAR YARD SETBACK	MIN 15'	71.38' (BLDG.)	15'
BUILDING HEIGHT	MAX 23'		±22'-8"
DEVELOPMENTAL COVERAGE	MAX 85%	69%	79%
GASOLINE PUMP SETBACK (SHOULDER)	MIN 20' (STREET LINE)	±24'	±23.5'
GASOLINE STORAGE TANKS (UNDERGROUND)	MIN 5' ANY PL (OTHER THAN STREET LINE)	±46'	±10'
VENTS	MIN 35' ANY PL	±37'	MIN 35' ANY PL
F.A.R. (FLOOR / AREA RATIO)	0.5	0.119	0.203
*VARIANCES GRANTED BY TOWN OF NEW WINDSOR ZBA IN CASE No. 98-55 AND CASE No. 75-21(a)			

TABLE OF SIGNS			
SIGN	TYPE	LOCATION	SIZE
HESS ID & PRICE	FREESTANDING	SOUTH-WEST CORNER OF SITE	192 S.F.±
HESS	CANOPY (FLUSH MOUNT)	(B) FRONT FACE OF CANOPY	24 S.F.±
HESS	CANOPY (FLUSH MOUNT)	(C) SOUTH FACE OF CANOPY	24 S.F.±
HESS	FACADE (FLUSH MOUNT)	(D) NORTH FACE OF CANOPY	24 S.F.±
HESS EXPRESS	FACADE (FLUSH MOUNT)	(E) FRONT OF BUILDING	55 S.F.±
CO BRAND	FACADE (FLUSH MOUNT)	(F) FASCIA OF BUILDING	16 S.F.±
CO BRAND	FACADE (FLUSH MOUNT)	(G) FASCIA OF BUILDING	16 S.F.±

TABLE OF SIGN VARIANCES *					
ARTICLE	TYPE	NUMBER ALLOWED	NUMBER PROPOSED	S.F. ALLOWED GRANTED BY PREVIOUS VARIANCES = 199 S.F.	S.F. PROPOSED VARIANCE
VIII, SEC. 300-45 (1)	FREE STANDING	2	1		192 S.F. NO
VIII, SEC. 300-45 (2)	FACADE	1 PER EACH BUSINESS	3	25 S.F. (2.5' HEIGHT X 10' WIDTH)	1 @ 55 S.F. 2 @ 16 S.F. EACH YES
* VARIANCES GRANTED BY TOWN OF NEW WINDSOR ZBA IN CASE No. 98-55					

OFFSET STREET PARKING				
	USE	PARKING REQUIRED	PARKING PROVIDED	VARIANCE
EXISTING	RETAIL (1,428 S.F.) (CONVENIENCE STORE WITH GASOLINE SALES)	(1,928 S.F. / 150 S.F.) 13 SPACES	14 SPACES.	NONE
PROPOSED	RETAIL (3,514 S.F.) (CONVENIENCE STORE WITH GASOLINE SALES)	(3,514 S.F. / 150 S.F.) 24 SPACES	21 SPACES.	YES 3 SPACES

REQUIRED PARKING SPACE DIMENSIONS
MIN. WIDTH = 9'
MIN. LENGTH = 19'
MIN. AISLE WIDTH = 25'
FOR 90° PARKING

GENERAL NOTES:

- SPECIAL PERMIT GRANTED BY PLANNING BOARD IN CASE No. 75-21(a).
- SITE PLAN APPROVAL GRANTED BY PLANNING BOARD ON 1/27/99 IN CASE No. 98-36.
- CERTIFICATE OF OCCUPANCY #110-1999, DATED 11/15/99.
- VARIANCES WERE PREVIOUSLY GRANTED FOR THE EXISTING USE BY THE ZONING BOARD OF APPEALS IN CASE No. 75-21(a) AND No. 98-55.

APPLICANT:

AMERADA HESS CORPORATION
1 HESS PLAZA, WB-PL
WOODBURGE, NJ 07095-0961

TOWN PLANNING BOARD
TOWN OF NEW WINDSOR, NEW YORK

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THESE PLANS, SPECIFICATIONS OR REPORTS IN ANY WAY, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER.

REV. No.	DESCRIPTION	DATE	BY
4	RELOCATED BUILDING, PUMPS, WALKS & DRIVES	6/05/05	JJE
3	REVISED SIGN TABLES	6/15/05	CAM
2	PER STAFF COMMENTS	5/18/05	KES
1	ADDED BUILDING DIMENSIONS, REVISED TABLES	4/21/05	KES

AMERADA HESS CORPORATION DB-MART #619
173 WINDSOR HIGHWAY
TAX ID. 334800-12-2-1 LIBER 11549, PAGE 210
TOWN OF NEW WINDSOR ORANGE COUNTY, NY

PROPOSED SITE PLAN

MORRIS ASSOCIATES, P.S., LLC
ENGINEERING CONSULTANTS-LAND SURVEYORS
9 Elba Lane, Fairview Plaza, 160 Fairview Ave., Suite 205
Poughkeepsie, New York 12601 Hudson, New York 12534
Phone No. (845) 434-3411 Phone No. (518) 828-2300
Fax No. (845) 475-1962 Fax No. (518) 828-3965

DATE	SCALE	DESIGNED BY	FILE No.	DRAWING No.
4/27/05	1" = 20'	RSJ	204152.02	3 of 5
		CAM		
		PDS		